

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – School Education Department – Adverse news published in daily news papers – Benami Bhojanalu in schools – Disciplinary action initiated against Sri M. Venkata Rao, SGT and Sri K.B.R.B. Chowdary, SGT, Mandal Parishad Upper Primary School, R.B. Kothuru, Peddapuram Mandal – Orders cancelled – Case referred to the Disciplinary Authority – Orders – Issued.

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EDUCATION [SE-VIG.I(2)] DEPARTMENT

G.O.Rt.No. 495

Dated: 21.08.2009

Read the following:-

1. From the DSE, Hyd, Lr.Rc.No.831/D1-4/2008, dated 01.12.2008.
2. G.O.Rt.No.05, Education (SE-Vig.I) Deptt., dated 02.01.2009.
3. G.O.Rt.No.06, Education (SE-Vig.I) Deptt., dated 02.01.2009.
4. G.O.Rt.No.262, Education (SE-Vig.I) Deptt., dated 29.04.2009.
5. G.O.Rt.No.379, Education (SE-Vig.I) Deptt., dated 18.06.2009.
6. G.O.Rt.No.381, Education (SE-Vig.I) Deptt., dated 18.06.2009.
7. From Sri KBRB Chowdary, SGT, Written Statement of Defence, dated 08.07.2009.
8. From Sri M. Venkata Rao, SGT, Written Statement of Defence, dated 10.07.2009.
9. G.O.Rt.No.423, Education (SE-Vig.I) Deptt., dated 10.07.2009.

ORDER:

Whereas, the Director of School Education, A.P., Hyderabad, in the reference 1st read above, has reported that Sri M. Venkata Rao, SGT and Sri K.B.R.B. Chowdary, SGT, Mandal Prajaparishad Upper Primary School, R.B. Kothuru, Peddapuram Mandal were placed under suspension by the District Educational Officer, Kakinada, East Godavari District, on the allegations of irregularities in the Mid Day Meal Scheme. It is further reported that, Sri M. Venkata Rao, SGT and Sri K.B.R.B. Chowdary, SGT have filed O.A.No.5491/2008 and O.A.No.5501/2008 in the Hon'ble A.P.A.T. Hyderabad against the orders of suspension. The Hon'ble A.P.A.T. Hyderabad in its common orders in O.A.No.5491/2008 & O.A.No.5501/2008 dated 25.7.2008, set-aside the proceedings of the DEO, East Godavari District, Kakinada Rc.No.63-B3/2007-2, Rc.No.63-b3/2007-3, dated 02.07.2008 on the ground that the District Educational Officer has no jurisdiction to issue such orders suspending the applicants belong to Zilla Parishad. The Hon'ble Tribunal has further observed that it is always left open to the disciplinary authority to issue appropriate orders.

2. And whereas, after careful consideration of the matter, Government, in exercise of powers conferred by rule 15 read with sub-rule (1) of 8 of the A.P.C.S. (CCA) Rules 1991, have issued orders in the references 2nd and 3rd read above, placing Sri M. Venkata Rao, SGT and Sri K.B.R.B. Chowdary, SGT, under suspension. Government have also issued article of charges on Sri M. Venkata Rao, SGT and Sri K.B.R.B. Chowdary, SGT, vide references 5th and 6th read above respectively, and the Charged Officials have submitted their Written Statement of Defence in the references 7th and 8th read above.

P.T.O.

3. And whereas, on filing of O.A.s by the Accused Officials, the Hon'ble A.P.A.T. in its orders in O.A.No.4125 of 2009, dated 31.3.2009 and in O.A.No.4126 of 2009 dated 19.6.2009 have set-aside the orders issued in the references 2nd and 3rd read above, on the ground that there is no progress in the enquiry and there is no review of suspension and directed the respondents to reinstate the applicants. Accordingly, Sri K.B.R.B. Chowdary, and Sri M. Venkata Rao, SGT were reinstated vide references 4th and 9th read above, respectively.

4. And, whereas Government have issued Adhoc Rules for Andhra Pradesh School Educational Subordinate Service Rules, vide G.O.Ms.No.12, School Education (Ser.II) Department dated 23.01.2009 declaring the District Educational Officer as Appointing Authority for the posts of teachers in Mandal Prajaparishad and Zilla Prajaparishad Schools.

5. In the instance case, the Hon'ble A.P.A.T. in its common orders in O.A.No.5491/2008 & O.A.No.5501/2008 dated 25.7.2008, set-aside the Proceedings Rc.No.63-B3/2007-2, Rc.No.63-B3/2007-3, dated 02.07.2008 of the D.E.O., East Godavari District, Kakinada, placing the Zilla Prajaparishad Teachers under suspension, since the Chief Executive Officer, Z.P. is competent authority on Z.P. Teachers as on 02.7.2008. But, Government issued G.O.Ms.No.12, School Education (Ser.II) Department dated 23.01.2009 making the District Educational Officer as Appointing Authority. Hence, the District Educational Officer is competent to take disciplinary action with effect from 23.1.2009. Therefore, it is decided to cancel the Article of Charges framed by Government against Sri M. Venkata Rao, SGT and Sri K.B.R.B. Chowdary, SGT, vide references 5th and 6th read above respectively and to refer the matter to the District Educational Officer, East Godavari District as he is the competent authority.

6. Accordingly, the orders issued in the references 5th and 6th read above framing Article of Charges against Sri M. Venkata Rao, SGT and Sri K.B.R.B. Chowdary, SGT, M.P.U.P. School, R.B. Kothuru, East Godavari District are hereby cancelled. The enquiry started by the Government will not be taken up further and the matter is referred to the District Educational Officer, East Godavari District to initiate disciplinary proceedings as per CCA Rules against them, duly following the procedure by framing Article of Charges afresh.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SURESH CHANDA
SECRETARY TO GOVERNMENT (SE)

To

The District Educational Officer, Kakinada, East Godavari District.

The Commissioner & Director of School Education, A.P., Hyderabad.

The incumbents through the District Educational Officer, Kakinada,
East Godavari District.

The Regional Joint Director of School Education, Kakinada.

Copy to:-

Panchayat Raj and Rural Development Department.

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//forwarded by order///

SECTION OFFICER